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| 10/682,199 | 10/10/2003 | Peter Hermentin | 06478.1495 | 1253 |
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| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | EXAMINER NGUYEN, BAO THUY L. | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER HERMENTIN

Application 10/682,199
Technology Center 1600

Mailed: August 19, 2009

Before Deborah Perry, *Supervisory Paralegal Specialist*.

PERRY, , *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on May 19, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on January 17, 2008.

There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) consider the Reply Brief filed January 17, 2008 as indicated above;
- and
- 2) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

DP/mev

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